IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3157 OF 2002
WITH
NOTICE OF MOTION NO. 153 OF 2005

Shri Janardhan Shamba
Manjarekar. ... Plaiantiff.

V/s.

Sagar Co-operative Housing
Society and another. ... Respondents.

Mrs.Mugdha M. Jadhav for the plaintiff.

None for the respondents.

CORAM: V.C.DAGA, J.

DATED: 1st February 2006.

P.C.:

. The learned counsel for the plaintiff submits that in a view of consent terms accepted by the Court, vide Division Bench order dated 3rd May, 2005, the dispute has already been referred to the Arbitrator for arbitration. Hence cause of action for the suit does not survive. She submits that the suit be disposed of reserving the liberty in favour of the parties to work out their rights and remedies under the provisions of the Arbitration Act.

2. Accordingly, suit stands disposed of with liberty reserved in favour of the parties to the suit as prayed.

3. In view of disposal of the suit, notice of motion also does not survive. The same is disposed of as infructuous with no order as to costs.

(V.C.DAGA, J.)